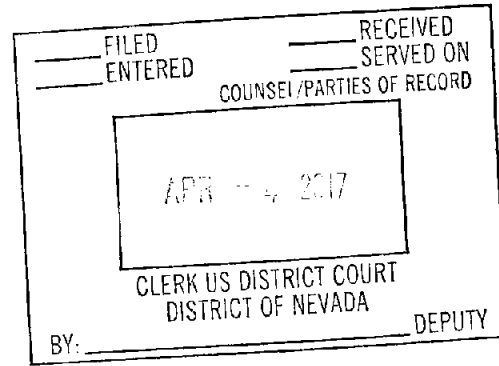




SEALED

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9 **UNITED STATES DISTRICT COURT**
 10 **DISTRICT OF NEVADA**

11 **-oOo-**

12
 13 UNITED STATES OF AMERICA)
)
 14 PLAINTIFF,)
)
 15 vs.)
)
 16 JUSTIN CASTRO,)
 17 NICHOLAS BRODIGAN, and)
 18 VICTORIA COMMISSO,)
)
 19 DEFENDANT.)

CRIMINAL INDICTMENT

2:17-CR- 103

20 **VIOLATIONS:**

18 U.S.C. § 1951 – Interference
 with Commerce by Robbery;

18 U.S.C. § 924(c)(1)(A) – Use of a Firearm
 During and in Relation to a Crime of
 Violence; and

18 U.S.C. §§ 922(g)(1) and 924(a)(2) – Felon
 in Possession of a Firearm.

23 **THE GRAND JURY CHARGES THAT:**

24 **COUNT ONE**

(Conspiracy to Interfere with Commerce by Robbery)

27 From on or about March 13, 2017, to on or about March 19, 2017, in the State
 28 and Federal District of Nevada,

**JUSTIN CASTRO,
NICHOLAS BRODIGAN, and
VICTORIA COMMISSO,**

defendants herein, did agree and conspire with each other and with others known and unknown to the Grand Jury to unlawfully obstruct, delay and affect commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and the movement of articles and commodities in such commerce, by robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), in that the defendants and others unknown did agree to unlawfully take and obtain property, to wit: miscellaneous merchandise, from employees of the Lowe's Home Improvement, 2465 North Nellis Boulevard, Las Vegas, Nevada; The Home Depot, 1401 South Lamb Boulevard, Las Vegas, Nevada; and The Home Depot, 6025 South Pecos Road, Las Vegas, Nevada, against their will by means of actual and threatened force, physical violence, and fear of injury, all in violation of Title 18, United States Code, Section 1951.

COUNT TWO

(Interference with Commerce by Robbery)

On or about March 13, 2017, in the State and Federal District of Nevada,

JUSTIN CASTRO and NICHOLAS BRODIGAN,

defendants herein, did unlawfully obstruct, delay, and affect, and attempt to obstruct, delay, and affect commerce, as that term is defined in 18 U.S.C. § 1951(b)(3), and the movement of articles and commodities in such commerce, by robbery, as that term is defined in 18 U.S.C. § 1951(b)(1), in that the defendants did unlawfully take and obtain property, to wit: a Kobalt tool bag, from the person and in the presence of an employee and agent of Lowe's Home Improvement, 2465 North Nellis Boulevard, Las Vegas, Nevada, against the will of said employee and agent, and by means of actual and threatened force,

1 physical violence, and fear of injury to the person of said employee and agent, in violation
2 of Title 18, United States Code, Sections 1951 and 2.

3
4 **COUNT THREE**

(Use of a Firearm During and in Relation to a Crime of Violence)

5
6 On or about March 13, 2017, in the State and Federal District of Nevada,

7 **JUSTIN CASTRO and NICHOLAS BRODIGAN,**

8 defendants herein, during and in relation to the crime of violence alleged in Count Two of
9 this Indictment, did knowingly and intentionally use and carry a firearm, said firearm
10 being brandished, in violation of Title 18, United States Code, Sections 924(c)(1)(A), and 2.

11
12 **COUNT FOUR**

(Interference with Commerce by Robbery)

13 On or about March 19, 2017, in the State and Federal District of Nevada,

14
15 **JUSTIN CASTRO,**
16 **NICHOLAS BRODIGAN, and**
VICTORIA COMMISSO,

17 defendants herein, did unlawfully obstruct, delay, and affect, and attempt to obstruct,
18 delay, and affect commerce, as that term is defined in 18 U.S.C. § 1951(b)(3), and the
19 movement of articles and commodities in such commerce, by robbery, as that term is
20 defined in 18 U.S.C. § 1951(b)(1), in that the defendants did unlawfully take and obtain
21 property, to wit: a Makita drill set, from the person and in the presence of an employee and
22 agent of The Home Depot, 1401 South Lamb Boulevard, Las Vegas, Nevada, against the
23 will of said employee and agent, and by means of actual and threatened force, physical
24 violence, and fear of injury to the person of said employee and agent, in violation of
25 Title 18, United States Code, Sections 1951 and 2.

COUNT FIVE

(Use of a Firearm During and in Relation to a Crime of Violence)

On or about March 19, 2017, in the State and Federal District of Nevada,

**JUSTIN CASTRO,
NICHOLAS BRODIGAN, and
VICTORIA COMMISSO,**

defendants herein, during and in relation to the crime of violence alleged in Count Four of this Indictment, did knowingly and intentionally use and carry a firearm, said firearm being brandished, in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

COUNT SIX

(Interference with Commerce by Robbery)

On or about March 19, 2017, in the State and Federal District of Nevada,

**JUSTIN CASTRO,
NICHOLAS BRODIGAN, and
VICTORIA COMMISSO,**

defendants herein, did unlawfully obstruct, delay, and affect, and attempt to obstruct, delay, and affect commerce, as that term is defined in 18 U.S.C. § 1951(b)(3), and the movement of articles and commodities in such commerce, by robbery, as that term is defined in 18 U.S.C. § 1951(b)(1), in that the defendants did unlawfully take and obtain property, to wit: a Millwalkee drill, from the person and in the presence of an employee and agent of The Home Depot, 6025 South Pecos Road, Las Vegas, Nevada, against the will of said employee and agent, and by means of actual and threatened force, physical violence, and fear of injury to the person of said employee and agent, in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT SEVEN

(Use of a Firearm During and in Relation to a Crime of Violence)

On or about March 19, 2017, in the State and Federal District of Nevada,

**JUSTIN CASTRO,
NICHOLAS BRODIGAN, and
VICTORIA COMMISSO,**

1 defendants herein, during and in relation to the crime of violence alleged in Count Six of
2 this Indictment, did knowingly and intentionally use and carry a firearm, said firearm
3 being brandished, in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.
4

5 **COUNT EIGHT**

6 (Felon in Possession of a Firearm)

7 On or about March 21, 2017, in the State and Federal District of Nevada,

8 **JUSTIN CASTRO,**

9 defendant herein, having been convicted of a crime punishable by imprisonment for a term
10 exceeding one year, in the State of Nevada, to wit: Assault with a Deadly Weapon, in the
11 Eighth Judicial District Court, Clark County, on or about March 13, 2017, in Case No.
12 C318401, did knowingly possess a firearm, to wit: a Taurus PT840 .40 caliber handgun
13 bearing serial no. SGP60474, said possession being in and affecting interstate and foreign
14 commerce and said firearm having been shipped and transported in interstate and foreign
15 commerce, all in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).
16

17 **DATED:** this 4th day of April, 2017.

18 **A TRUE BILL:**
19

20 /S/

21

FOREPERSON OF THE GRAND JURY

22 STEVEN W. MYHRE
23 Acting United States Attorney

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26 CHRISTOPHER BURTON
27 Assistant United States Attorney
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